

SCOTT N. SCHOOLS, SBN SC 9990
United States Attorney
LUCILLE GONZALES MEIS, SBN CO 15153
Regional Chief Counsel, Region IX,
Social Security Administration
GINA SHIN
Special Assistant United States Attorney

333 Market Street, Suite 1500
San Francisco, California 94105
Telephone: (415) 977-8926
Facsimile: (415) 744-0134

Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TERRI COTTEN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of
Social Security,

Defendant.

CIVIL NO. C-07-03169 CRB

STIPULATION AND ORDER OF REMAND

IT IS HEREBY STIPULATED by the undersigned for the respective parties, subject to the approval of the Court, that this action be remanded to the Defendant, Commissioner of Social Security, pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. The purpose of the remand is to offer Plaintiff a new decision.

Upon remand, the Office of Disability Adjudication and Review will remand this case to an Administrative Law Judge (ALJ) and direct him or her to re-evaluate Plaintiff's alleged mental impairments, including her substance abuse. If Plaintiff is found to be disabled as a result of substance abuse, the ALJ will assess Plaintiff's functional abilities absent substance abuse. The ALJ will also obtain medical expert evidence to assist in clarifying Plaintiff's mental and physical limitations with and without substance abuse. Additionally, the ALJ will evaluate the previously unaddressed lay witness

1 statement. Finally, as Plaintiff is currently in pay status for benefits awarded on a subsequent application
2 filed on April 16, 2007, the ALJ will affirm this subsequent favorable determination and will obtain the
3 subsequent file and consider whether an earlier onset date is appropriate. Plaintiff may supplement the
4 record as appropriate, including providing additional medical evidence.

5
6 Dated: December 28, 2007

/s/ Steven M. Weiss
(As authorized on December 28, 2007)
STEVEN M. WEISS
Attorney for Plaintiff

8
9 SCOTT N. SCHOOLS
United States Attorney

10
11 Dated: December 28, 2007

By: /s/ Gina Shin
(As signed on December 28, 2007)
Special Assistant United States Attorney

12
13
14 PURSUANT TO STIPULATION, IT IS SO ORDERED that this action is reversed and remanded to the
15 Commissioner of Social Security, pursuant to sentence four of 42 U.S.C. § 405(g) for further
16 proceedings.

17
18
19
20 Dated: January 2, 2008

